

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 13

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte JOHN C. BEER, MARK T. BOWMAN,  
GEORGIA A. GIBSON, JOHN LOVGREN,  
MARIANNE P. RADDING, and  
JULIETA K. YAMAKAWA

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Appeal No. 97-2538  
Application 08/280,907<sup>1</sup>

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ON BRIEF

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Before HAIRSTON, LEE and LALL, Administrative Patent Judges.  
LEE, Administrative Patent Judge.

**DECISION ON APPEAL**

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 1-10 and 12-21. No claim has been allowed.

**References relied on by the Examiner**

Bloomfield et al. (Bloomfield '911)	5,384,911	Jan.
24, 1995		

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<sup>1</sup> Application for patent filed July 27, 1994.

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	(filed on May 10,	
1994)		
Fleming	5,392,389	Feb.
21, 1995		
	(filed on Jun. 30,	
1994)		
Bloomfield et al. (Bloomfield '710)	5,461,710	Oct. 24,
1995		

### **The Rejections on Appeal**

Claims 1-10 and 12-21 stand finally rejected under 35 U.S.C. § 103 as being unpatentable over Bloomfield '710, Bloomfield '911, and Fleming.

### **The Invention**

The invention is directed to a method and apparatus for enhancing template object manipulation and creation. Claims 1 and 12 are the only independent claims and are reproduced below:

1. A method for controlling a computer system, having at least a display, user controls, and processor, to enhance template object manipulation and creation, comprising the computer-implemented steps of:

displaying a template area pane on said display, wherein said template area pane displays only template objects and creates template objects from any object copied into said template area pane; and

in response to copying at least one template object of a specific object class from said template area pane into an empty space within said template area pane, said specific object class having attributes, automatically creating at least one new template

object in said template area pane from said at least one template object, wherein said new template object has the attributes of the specific object class.

12. An apparatus for enhancing template manipulation and creation in a graphical user interface, comprising:

a processor;

user controls;

a display device;

means for controlling said processor to display a template area pane on said display device, wherein said template area pane displays only template objects and creates template objects from any object copied into said template area pane;

said user controls for copying at least one template object from said template area pane into an empty space in said template area pane; and

in response to copying the at least one template object of a specific object class into said template area pane, said specific object class having attributes, means for controlling said processor to automatically create and display at least one new template object from said at least one template object in said template area pane, wherein said new template object has the attributes of the specific object class.

#### **DISCUSSION**

The rejection cannot be sustained.

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A reversal of the rejection on appeal should not be construed as an affirmative indication that the appellants' claims are patentable over prior art. We address only the positions and rationale as set forth by the examiner and on which the examiner's rejection of the claims on appeal is based.

We reject the appellants' argument that Bloomfield '911 does not disclose a template area pane which displays only template objects. Appellants submitted a series of screen dumps using the OS/2 operating system to illustrate that window 188 in the Bloomfield '911 reference can hold ordinary objects as well. However, it has not been adequately established that the version of the OS/2 operating system used by the appellants is the same as that version of OS/2 which was used in connection with the generation of Figure 7 in Bloomfield '911. Moreover, the appellants submitted no affidavit or declaration evidence in support of their allegations concerning the OS/2 operating system, and mere attorney argument does not take the place of evidence lacking in the record. Meitzner v. Mindick, 549 F.2d 775, 782, 193

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USPQ 17, 22 (CCPA 1977), cert. denied, 434 U.S. 854, 195 USPQ 465 (1977).

Even considering Bloomfield '911's window 188 as a template area pane which displays only template objects, however, the combination of Bloomfield '710, Bloomfield '911, and Fleming would not have rendered obvious the appellants' claimed invention.

The examiner acknowledged that neither Bloomfield '710 nor Bloomfield '911 teaches the automatic creation of a new template object in the template area pane in response to a copy of the object being dropped into the template area pane. (Answer at 4). Relying on Fleming, however, the examiner states (Answer at 4):

On the other hand, Fleming describes a graphical method for creating an object at Figs. 7-9, and at col. 4, lines 7-31, wherein a new template object is automatically created by dropping an object icon, such as document icon 37 on dispenser icon 27 [a template area pane for a single object]. In addition, Fleming provides a teaching that an object icon may be dropped on a dispenser icon that already has a dispensable icon in it, but in Fleming's case, rather than creating multiple templates, "the object represented by the dispensable object mini-icon would be replaced by the object represented by the dragged icon."

It is evident that the examiner is relying on Fleming for these features of the appellants' claimed invention:

1. a template area pane which creates template objects from any object copied into said template area pane; and

2. in response to the copying of at least one template object **from the template area pane into an empty space within the template area pane**, automatically creating and displaying at least one new template object in the template object pane.

The examiner has identified the space within Fleming's object dispenser icon 27 as equivalent to a template area pane having the size of a single object. Ignoring for the moment that Fleming's document objects are not template objects, it is true that whatever document that gets dragged and dropped into the space within the dispenser object icon 27 becomes a dispensable object having its own mini-icon. See Fleming's Figures 7-9. Additionally, a user may drag Fleming's dispensable object mini-icon from within the object dispenser icon 27 to elsewhere on the client area 19 and drop it to form a copy of the object. See Figures 1-3. However, these functions of Fleming's system do not satisfy the above-noted claim features of the appellants.

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Having identified the limited space within Fleming's dispenser object icon 27 as the template area pane which creates template objects from any object copied into it, the examiner has identified no empty space within that template area pane into which an object from within the pane can be copied. No explanation has been provided as to why one with ordinary skill in the art would have been motivated to do away with Fleming's object dispenser 27 and make a large section of Fleming's client area 19 an area pane capable of reproducing objects dropped anywhere within it and objects copied from an object that is already within the pane. Fleming's feature of dragging objects out of the object dispenser icon is insufficient to satisfy the specific copying features of the appellants' claimed invention, even assuming that Fleming's objects are template objects.

For the foregoing reasons, the rejection of claims 1-10 and 12-21 under 35 U.S.C. § 103 as being unpatentable over Bloomfield '710, Bloomfield '911, and Fleming cannot be sustained.

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**CONCLUSION**

The rejection of claims 1-10 and 12-21 under 35 U.S.C. §  
103 as being unpatentable over Bloomfield '710, Bloomfield  
'911, and Fleming is reversed.

**REVERSED**

KENNETH W. HAIRSTON	)	
Administrative Patent Judge	)	
	)	
	)	
JAMESON LEE	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCES
	)	
	)	
PARSHOTAM S. LALL	)	
Administrative Patent Judge	)	

JL:sd



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